

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P803288/WO/1 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/007070 | International filing date (day/month/year) 30.06.2004 | Priority date (day/month/year) 09.07.2003 |
| International Patent Classification (IPC) or national classification and IPC B60R5/04 | | |
| Applicant DAIMLERCHRYSLER AG | | |

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| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | |
| 2. | This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. | |
| 3. | This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | |
| 4. | This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application | |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-11 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
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| 1. Statement | | | |
| Novelty (N) | Claims | 2-4, 8, 10 | YES |
| | Claims | 1, 5-7, 9, 11 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-11 | NO |
| Industrial applicability (IA) | Claims | 1-11 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| 1. This report makes reference to the following documents: | | | |
| D1: EP 0 283 363 A (PEUGEOT; CITROEN SA (FR)) 21 September 1988 (1988-09-21) | | | |
| D2: FR 2 828 459 A (RENAULT) 14 February 2003 (2003-02-14) | | | |
| D3: US 4 536 025 A (KUSUHARA MASAKAZU ET AL) 20 August 1985 (1985-08-20) | | | |
| 2.1 D1 discloses (the references in parentheses are to D1): a luggage compartment system for motor vehicles, said system having a cover element (1) that extends parallel to a longitudinal axis of the vehicle and that has two longitudinal ends, two transverse ends that extend transversely to the longitudinal ends, and at least one first swiveling hinge (5); said cover element can be connected at least via part of the longitudinal ends to a first support surface extending approximately parallel to a vehicle floor in the region of a vehicle lateral wall; the first swiveling hinge is parallel to the transverse end | | | |

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and the cover element (1) is divided into a first cover part and a second cover part (4), at least the first cover part (B, E) being connectable to a lateral wall of the vehicle at an approximately right angle relative to the vehicle floor via a second bearing and/or to the vehicle floor via a third bearing (2, 10).

D1 therefore discloses the combination of all the features in independent claim 1. The subject matter of this claim is therefore not novel (PCT Article 33(2)).

2.2 The features of claims 5 to 7 and 9 are disclosed by D1 (see search report), and the PCT requirements for novelty and inventive step are therefore not met.

2.3 The combinations of features in dependent claims 8, 10 and 11 are conventional structural features.

D3 discloses the features of claims 1 and 11. These claims therefore do not contain any features which meet the PCT requirements for novelty and inventive step.

3 D1 is regarded as the closest prior art. D1 discloses (see point 2.1.) a luggage compartment system for motor vehicles from which the subject matter of claim 2 differs in that: the first cover part can be swiveled relative to the second cover part independently of the position of the second

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cover part.

3.1 The subject matter of claim 2 is therefore not novel (PCT Article 33(2)). The problem to be solved by the present invention can therefore be regarded as that of providing a flexible luggage compartment configuration.

3.2. The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1 to 11 does not involve an inventive step within the meaning of PCT Article 33(3).

3.2.1. The solution to this problem as proposed in claim 2 of the present application **does not** involve an inventive step for the following reasons (PCT Article 33(3)): D2 discloses a luggage compartment system for a motor vehicle, said system having a cover element that is divided into a first cover part and a second cover part, the first cover part being swivelable relative to the second cover part independently of the position of the second cover part.

The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of the claim does not involve an inventive step within the meaning of PCT Article 33(3).

3.2.3. D2 also discloses the features of claims 3 and 4. Claims 3 and 4 therefore do not contain any

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features which, in combination with the features
of any claim to which they refer, meet the PCT
requirements for novelty and inventive step.
